

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

CHRISTOPHER LUMPKIN,	)	
	)	
Petitioner,	)	
	)	
v.	)	Civil Action No. 3:25-cv-63-HEH
	)	
COMMONWEALTH OF VIRGINIA,	)	
	)	
Respondent.	)	

**MEMORANDUM OPINION  
(Dismissing Civil Action Without Prejudice)**

Petitioner, Christopher Lumpkin, a Virginia inmate proceeding *pro se*, submitted a “Motion to Set Aside Verdict and for New Trial” (the “Motion,” ECF No. 1.) Given the content of this Motion, the Court found it was appropriate to give Petitioner the opportunity to pursue this action as a petition for a writ of habeas corpus under 28 U.S.C. § 2254. *See Rivenbark v. Virginia*, 305 F. App’x 144, 145 (4th Cir. 2008).

By Memorandum Order entered on February 21, 2025, the Court directed Petitioner, within twenty (20) days of the date of entry thereof, to complete and return the standardized form for filing a § 2254 petition (ECF No. 2). The Court warned Petitioner that the failure to comply with the terms of the February 21, 2025 Memorandum Order would result in the dismissal of the action. *See Fed. R. Civ. P. 41(b)*.

More than twenty (20) days have elapsed and Petitioner has not completed and returned the standardized form for filing a § 2254 petition or otherwise responded to the

February 21, 2025 Memorandum Order. Accordingly, the action will be dismissed without prejudice. A certificate of appealability will be denied.

An appropriate Final Order shall accompany this Memorandum Opinion.



Henry E. Hudson  
United States District Judge

Date: June 2, 2025  
Richmond, Virginia